

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT COURT OF PUERTO RICO**

**ANGEL R. GONZALEZ, et al.,  
Plaintiffs**

v.

**CIVIL NO. 02-2092(DRD)**

**HOSPITAL SAN PABLO, et al.,  
Defendants**

<b>MOTION</b>	<b>RULING</b>
<p><b>Date</b>  <b>Filed:</b> 05/27/05      <b>Docket #42</b>  <input checked="" type="checkbox"/> Plff      <input checked="" type="checkbox"/> Deft  <input type="checkbox"/> Other</p> <p><b>Title:</b> Joint Motion for Partial Voluntary Dismissal</p>	<p><b>GRANTED.</b> Parties in this case reached a confidential settlement agreement. Because both Plaintiffs, Angel R. Gonzalez, et. al., and co-defendant, Pedro Hernandez Martinez and his insurer named SIMED, have appeared and requested dismissal, the Court hereby <b>grants</b> their request, pursuant to Fed.R.Civ.P. 41(a)(1)(ii). <b>Partial Judgment</b> shall be entered accordingly. Although the Court usually refrains from issuing partial judgments, it is deemed that in the instant request for voluntary dismissal none of the instant parties will foster piecemeal appeals. <u>See Nichols v. Cadle Co.</u>, 101 F.3d 1448, 1449 (1<sup>st</sup> Cir. 1996) (“piecemeal appellate review invites mischief. Because the practice poses a host of potential problems we have warned, time and again, that Rule 54(b) should be used sparingly.”); <u>Zayas-Green v. Casaine</u>, 906 F.2d 18, 21 (1<sup>st</sup> Cir. 1990) (“This final judgment rule . . . furthers ‘the strong congressional policy against piecemeal review.’” <i>Id.</i> (<u>quoting In re Continental Investment Corp.</u>, 637 F.2d 1, 3 (1<sup>st</sup> Cir. 1980)); <u>Comite Pro Rescate De La Salud v. Puerto Rico Aqueduct and Sewer Authority</u>, 888 F.2d 180, 183 (1<sup>st</sup> Cir. 1989); <u>Consolidated Rail Corp v. Fore River Ry. Co.</u>, 861 F.2d 322, 325 (1<sup>st</sup> Cir. 1988); <u>Spiegel v. Trustees of Tufts Coll.</u>, 843 F.2d 38, 43 (1<sup>st</sup> Cir. 1988); <u>Santa Maria v. Owens-Ill., Inc.</u>, 808 F.2d 848, 854 (1<sup>st</sup> Cir. 1986)); see also <u>United States v. Nixon</u>, 418 U.S. 683, 690 (1974).</p>

**IT IS SO ORDERED.**

In San Juan, Puerto Rico this 3<sup>rd</sup> day of June 2005.

**S/DANIEL R. DOMINGUEZ  
DANIEL R. DOMINGUEZ  
U.S. DISTRICT JUDGE**